

UNITED STATES DISTRICT COURT

for the

District of South Dakota

United States of America

v.

Jesse Sierra and
Dustin Sierra,

Case No. 5:19-mj-83

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of btwn. 7/13/19 & 7/21/19, inclusive, in the county of Oglala Lakota in the
 District of South Dakota, the defendant(s) violated:*Code Section*18 U.S.C. §§ 1201(a)(2), 1153,
and 2.*Offense Description*

Kidnapping, and Aiding and Abetting Kidnapping.

This criminal complaint is based on these facts:

Between July 13, 2019, and July 21, 2019, inclusive, Jesse Sierra and Dustin Sierra, Indian persons, did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom or reward or otherwise Esther Wolfe, and did aid, abet, counsel, command, induce, and procure the commission of the kidnapping, when any such act against Esther Wolfe was done within the exterior boundaries of the Pine Ridge Reservation, in Indian country, in the District of South Dakota, all in violation of 18 U.S.C. §§ 1201(a)(2), 1153, and 2.

☒ Continued on the attached sheet.*Complainant's signature*

Christian M. Corwin, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/30/2019City and state: Rapid City, SD*Judge's signature*

Daneta Wollmann

Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

Case No. 5:19-mj-83

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESSE SIERRA and
DUSTIN SIERRA,

Defendants.

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR CRIMINAL
COMPLAINT AND
ARREST WARRANTS

I, Christian M. Corwin, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Rapid City Resident Agency, Rapid City, South Dakota. I have been so employed with the FBI since January 2009. I am currently assigned to a criminal squad with the Minneapolis Division of the FBI, Rapid City Resident Agency and investigate a variety of federal criminal violations, including physical assaults, death investigations and crimes against children. While employed by the FBI, I have participated in numerous investigations in Indian country in which I have collected evidence and interviewed witnesses.

2. The facts set forth in this affidavit are based on my personal knowledge, knowledge obtained from other individuals, including other law enforcement officers, interviews of persons with knowledge, my review of documents, interview reports, communications with others who have personal knowledge of the events and circumstances described herein, and information

gained through my training and experience. This affidavit contains information necessary to support probable cause for this application and does not contain every material fact that I have learned during the course of this investigation. No information known to me that would tend to negate probable cause has been withheld from this affidavit.

PROBABLE CAUSE

3. On or about July 14, 2019, the Rapid City Police Department (RCPD) took a missing person report from [REDACTED] who reported her friend Esther Wolfe was missing. Esther Wolfe was last seen on July 13, 2019. [REDACTED] reported last seeing Esther Wolfe at the Hilton Garden Inn, Esther's place of employment, on July 13, 2019. [REDACTED] reported she knew Esther Wolfe and Jesse Sierra had been in an intimate dating relationship during the course of which Jesse physically abused Esther to such a degree she had to be hospitalized.

4. The RCPD conducted interviews of Esther Wolfe's friends who advised RCPD detectives Esther Wolfe knew Jesse Sierra would soon be released from jail in Colorado and she was afraid of Jesse Sierra's return.

5. Your affiant learned the RCPD received information from the Oglala Sioux Tribe Department of Public Safety that a blue Chevrolet Avalanche was located at [REDACTED] residence. [REDACTED] is Jesse Sierra's [REDACTED] who lives in Oglala, South Dakota. The RCPD believed this blue Chevrolet Avalanche was linked with Esther Wolfe's disappearance. The vehicle is registered

to [REDACTED]. [REDACTED] reported that while the vehicle had previously been his, he gave the vehicle to [REDACTED], in exchange for helping [REDACTED] get the vehicle out of an impound lot. [REDACTED] reported that Esther Wolfe and Jesse Sierra previously operated that vehicle and Esther continued driving that vehicle while Jesse Sierra was incarcerated in Colorado.

6. Your affiant is aware that on July 16, 2019, the RCPD received a call from an individual who identified himself as [REDACTED]. This individual indicated he had heard Esther was seen with Jesse in the previous week. He denied seeing them personally. He also stated he lives in Oglala, South Dakota, and that law enforcement had already been to his residence searching for Esther. Upon further investigation, RCPD developed reason to believe this call actually came from Dustin Sierra, the brother of Jesse Sierra, who lives in Oglala, South Dakota, near [REDACTED]. The number this individual provided is the same number which [REDACTED] provided as the contact information to reach Dustin Sierra in an interview with the RCPD on July 18, 2019.

7. On July 17, 2019, the RCPD received a phone call from Esther Wolfe, who stated she was on the way to Chadron, Nebraska, with her fiancée. She denied being in danger. The call was placed from a phone number belonging to [REDACTED]. [REDACTED], Jesse Sierra's [REDACTED].

8. On July 18, 2019, RCPD Sergeant Christopher Hunt called the same phone number and spoke with [REDACTED]. She confirmed Jesse Sierra and

Esther Wolfe had been to her property, but said they went to Chadron with an unknown individual in an unknown vehicle.

9. On July 18, 2019, the RCPD made contact with [REDACTED] who advised he received a SnapChat message allegedly from Esther Wolfe early on July 16, 2019, which read, "no, I'm good." [REDACTED] advised he did not believe this message would be from Esther.

10. On July 18, 2019, the RCPD made contact with [REDACTED], a [REDACTED] of Jesse Sierra. [REDACTED] denied Jesse Sierra and Esther Wolfe visited his home in Chadron, Nebraska. He advised the last person Jesse Sierra and Esther Wolfe were with was Dustin Sierra.

11. Esther Wolfe was missing from July 13, 2019, until she appeared at the hospital in Chadron, Nebraska, on July 21, 2019. She presented to the emergency department with severe bruising to her face and body. She suffered broken ribs and a fracture to her mandible. Both eyes were swollen, and her sclera were bright red and inflamed. She exhibited bruising and redness to her neck and collar. She was released from the hospital late on July 21, 2019, with instructions to care for her injuries. Prior to her release, she submitted to a Sexual Assault Nurse Examination (SANE).

12. Your affiant is aware that on July 22, 2019, Bureau of Indian Affairs (BIA) Special Agent Molanna Clifford and RCPD detective Stephen Neavill interviewed Esther Wolfe. Esther had previously told Jesse Sierra she was "done"

with him, and wanted no further relationship with Jesse. However, on July 13, 2019, Jesse Sierra found Esther Sierra at the Hilton Garden Inn while Esther was working. She did not want to be with him, but he persisted in asking when she would be free from work. Esther Wolfe advised Jesse Sierra exposed his penis to her in an elevator and told her, "You know you want this." Despite her attempts to evade Jesse Sierra, he advised her he would not leave. Jesse insisted to Esther that she come with him and refused to leave her workplace unless and until she came with him.

13. Jesse Sierra convinced Esther Wolfe that he merely wanted to share a meal with her. Wolfe acceded and agreed to eat with him at the Golden Corral restaurant in Rapid City. Afterward, they drove to the area near the 24/7 Program in Rapid City. Esther Wolfe believed Jesse Sierra was required to submit to a PBT at the 24/7 Program. Esther Wolfe advised that near the 24/7 Program, Esther exited the vehicle and began walking. Jesse Sierra offered to give her a ride from the 24/7 Program with his brother, Dustin Sierra, in what she believed was a white Chevrolet Traverse. She agreed and got into the vehicle.

14. As Dustin Sierra drove, he headed east from the 24/7 Program, in a direction away from Esther's anticipated destination. Esther Wolfe asked Jesse Sierra where they were going. Jesse Sierra placed his arm around her throat and told her they were going to the reservation. She attempted to open the door and flee

the moving vehicle, but Jesse Sierra prevented her flight. Dustin Sierra did not stop the vehicle or otherwise aid Esther Wolfe.

15. In Dustin Sierra's vehicle, Jesse repeatedly strangled Esther Wolfe to unconsciousness. He continued strangling her every time she regained consciousness while Dustin drove to the Pine Ridge Reservation and continuing until after they entered onto the Pine Ridge Reservation. Dustin appeared to have driven the vehicle from Rapid City to the Pine Ridge Reservation the entire time. He refused Esther Wolfe's entreaties to help her.

16. Esther Wolfe reported she was not free to leave at this time and she was not permitted to leave at any time. She advised that occasionally Jesse said he would give her "a chance to walk away alive." She advised Dustin would not and did not assist her at any time.

17. Esther Wolfe advised she was initially taken to Oglala, South Dakota, by Dustin and Jesse, to Dustin's residence for a night. During that night, Jesse Sierra forcibly sexually assaulted her. She advised Jesse repeatedly struck her in the face and kicked her. She lost consciousness multiple times throughout the evening while being assaulted by Jesse and lost control of her bladder twice in the bed where she was being held. She believes she heard Jesse and Dustin discuss that law enforcement was next door, but she did not see law enforcement officers.

18. Around this time, Esther Wolfe said she was "tested" by Jesse and Dustin. Jesse and Dustin told her law enforcement was in front of the residence.

Esther fled out the back door and ran to the front, but the only person there was Jesse. Jesse sat in the blue Chevrolet Avalanche waiting for her. He asked her if she wanted him to "sit years," which your affiant believes was a reference to the jail sentence he believed he would receive for kidnapping and assaulting Esther Wolfe. He also made a comment about killing her for failing this "test." Esther Wolfe advised Jesse placed her in the blue Chevrolet Avalanche.

19. While in the blue Chevrolet Avalanche, Esther spit blood from the assault into tissues or napkins in the vehicle and placed those bloody tissues in a cigarette box. She advised the cigarette box would likely still be in the vehicle.

20. Jesse Sierra transported Esther Wolfe in the blue Chevrolet Avalanche to [REDACTED] property, where she was held by Jesse in a camper located on the property. There, Jesse assaulted her to the point that both of her eyes were swollen shut. Jesse also sexually assaulted Esther Wolfe during this assault. Jesse bound her wrists with Christmas lights and placed her in a confined portion of the camper. Jesse confined her in the space with boards and nails while he went to sleep. She broke a board in this confined space trying to breathe.

21. Esther Wolfe advised she believes her blue work smock and her black size 6 Converse shoes may still be in the camper.

22. Esther Wolfe further reported when Jesse Sierra returned, he asked her, "Are you ready to die?" and forced her to walk through the garden on [REDACTED] property in Oglala, South Dakota. Jesse dug a shallow grave and

forced Esther to get into the grave. Jesse advised her that he did not have to kill her yet, that the two could work it out, and that she must call law enforcement and advise them that she was not missing nor was she in danger. Esther Wolfe confirmed that she in fact called Rapid City Police Department dispatch following this event and reported her status as being safe and not missing.

23. Esther Wolfe further reported that at some point after arriving on the Pine Ridge Reservation, Jesse Sierra brought her to a blue abandoned house near [REDACTED]'s residence. Esther Wolfe indicated [REDACTED] had seen them and knew where she was. Esther Wolfe advised she had her niece's phone at this abandoned residence. She placed the phone in the trash. She described it as a black Android phone with an Apple sticker on the back. There is no phone number associated with this cell phone. The phone Esther described was later recovered by law enforcement from the residence.

24. Esther Wolfe confirmed her phone call to dispatch was placed from [REDACTED] phone. Esther Wolfe advised Dustin Sierra picked up Esther and Jesse from [REDACTED] residence and further reported she, Jesse, and Dustin were driving to Chadron, Nebraska, when she placed the call. Jesse Sierra and she proceeded to the residence of [REDACTED]. Along the way, Jesse told her if she made "all this go away" he would "make her life better." Jesse pressured her to tell law enforcement she received her injuries by being "ganged" by a group of

men. Your affiant knows that to be "ganged" is a colloquial term for being assaulted.

25. Esther Wolfe further reported she and Jesse Sierra arrived in Crawford, Nebraska, where an individual named "Franklin" got them a motel room. [REDACTED] dropped them off at the motel in Crawford. At the motel, Jesse did not physically assault her. Esther Wolfe advised Jesse wanted her to heal so she could speak to law enforcement about "being ganged." Jesse sexually assaulted her multiple times in the motel room. She indicated during these sexual assaults she did not try to fight him off anymore because it was "too hard."

26. Esther Wolfe advised that [REDACTED], and Jesse Sierra later dropped her off at the Chadron hospital due to the extent of her injuries. [REDACTED] assisted Esther and helped her call her family.

27. Esther Wolfe said the reason Jesse Sierra abducted and assaulted her was because she had tried to break off their relationship. Jesse Sierra wanted to continue the relationship with Esther. After the initial abduction, Jesse Sierra refused to free her because he believed she would report him to law enforcement. Jesse Sierra promised to make Esther's life better if she agreed not to report him.

28. Based on Esther Wolfe's statement, the BIA sought and obtained a search warrant for Dustin Sierra's residence in Oglala, South Dakota; a blue Chevrolet Avalanche, VIN [REDACTED], registered to [REDACTED]; the abandoned blue residence on [REDACTED]'s property near the Number Four

housing area near Pine Ridge, South Dakota; buccal swabs from Jesse Sierra; and a camper located at the residence belonging to [REDACTED] on [REDACTED] [REDACTED] in Oglala, South Dakota.

29. On or about July 25, 2019, BIA and FBI agents executed the search warrant described in the previous paragraph. The blue Chevrolet Avalanche was located on [REDACTED]'s property. The vehicle was seized but not searched, to allow the FBI to obtain a second search warrant correcting a typo in the VIN in the initial search warrant.

30. FBI agents located evidence corroborating Esther Wolfe's statement, including, but not limited to, a shallow grave and shovel near a garden on [REDACTED] residence; a camper on [REDACTED] property; bedding from Dustin Sierra's residence; a cell phone in a trash bag at the abandoned blue residence on [REDACTED] property; multiple strands of Christmas lights; a blue work smock; and one size 7 black Converse-brand shoe. Agents also found the storage space with a broken plywood board inside the camper, where Esther reported being confined by Jesse Sierra. Agents observed reddish-brown stains which appeared to be blood inside the storage area.

31. Tribal records checks reflect that both Jesse Sierra and Dustin Sierra are enrolled members of the Oglala Sioux Tribe.

32. Based on the above information and my training and experience, I respectfully submit there is probable cause to conclude that on or about between

July 13, 2019, and July 21, 2019, inclusive, in the District of South Dakota and elsewhere, the defendants, Jesse Sierra and Dustin Sierra, did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom or reward or otherwise Esther Wolfe, when any such act against Esther Wolfe was done outside Indian country and continued into Indian country, and did aid, abet, counsel, command, induce, and procure the commission of the kidnapping, in violation of 18 U.S.C. §§ 1201(a)(2), 1153, and 2.


Warrant Request

33. Based on the above-mentioned information, I respectfully request this Court to issue arrest warrants for the Defendants, Jesse Sierra and Dustin Sierra.

Request to Seal

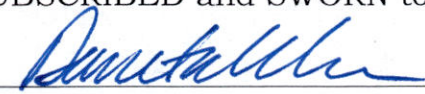
34. I request this Court for an order sealing this case until further order of the Court, in that this affidavit contains information related to an ongoing federal investigation. Public disclosure of information contained in this affidavit and filed with the Court could seriously jeopardize this ongoing investigation.

Dated: 7/30/19



Christian M. Corwin
Special Agent
Federal Bureau of Investigation

SUBSCRIBED and SWORN to in my presence this 30th day of July, 2019.



Daneta Wollmann
United States Magistrate Court Judge
District of South Dakota